

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE WESTERN DISTRICT OF WISCONSIN
 3 _____
 4 M.J.J.,
 5 Plaintiff
 6 vs. Civil Action No. 15-cv-433-wmc
 7 POLK COUNTY SHERIFF'S DEPARTMENT AND DARRYL L.
 CHRISTENSEN,
 8 Defendants,
 9 and
 10 WISCONSIN COUNTY MUTUAL INSURANCE CORPORATION,
 11 Intervenor.
 12
 13 J.K.J.,
 14 Plaintiff,
 15 Civil Action No. 15-cv-428-wmc
 16 vs.
 17 POLK COUNTY SHERIFF'S DEPARTMENT AND DARRYL L.
 CHRISTENSEN,
 18 Defendants,
 19 and
 20 WISCONSIN COUNTY MUTUAL INSURANCE CORPORATION,
 21 Intervenor.
 22 _____
 23 DEPOSITION OF
 BRAD HOMPE
 JULY 15, 2016
 1:00 P.M.
 24
 25

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3 EXAMINATION BY:	PAGE
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10 E X H I B I T S	
11 DEPOSITION EXHIBITS:	PAGE MARKED
12 15. Inmate Handbook.	3
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16	
17	
18 (Exhibit Number 15 has been marked.)	
19	
20 (The original transcript is in the possession	
21 of Mr. Weidner.)	
22	
23	
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1 DEPOSITION OF Brad Hompe, taken on the 15th
 2 day of July, 2016, commencing at 1:00 p.m., at Chippewa
 County Courthouse, 711 North Bridge Street, Room 227,
 Chippewa Falls, Wisconsin, before Jean Dillon,
 Professional Reporter and Notary Public.

A P P E A R A N C E S

5 MR. THOMAS J. WEIDNER and
 Attorney at Law, from the law firm of ECKBERG
 6 LAMMERS, P.C., 1809 Northwestern Avenue,
 Stillwater, Minnesota, 55082, appeared as counsel
 7 for and on behalf of the Plaintiffs. Present via
 telephone conference was Lida Bannink.

9 MR. PAUL CRANLEY, Attorney at Law,
 from the law firm of WHYTE HIRSCHBOECK DUDEK,
 10 S.C., 33 East Main Street, #300, Madison,
 Wisconsin, 53701, appeared as counsel for and on
 11 behalf of the Polk County Sheriff's Department.

12 MR. MARTIN J. DE VRIES, Attorney at
 Law, from the law firm of SAGER & COLWIN LAW
 OFFICES, S.C., 201 South Marr Street,
 Fond du Lac, Wisconsin, 54936, appeared as
 13 counsel for and on behalf of Darryl Christensen,
 present via telephone.

16 MS. LORI M. LUBINSKY, Attorney at
 Law, from the law firm of AXLEY BRYNELSON, LLP,
 17 PO Box 1767, Madison, Wisconsin, 53701, appeared
 as counsel for and on behalf of Wisconsin County
 Mutual Insurance Company, present via telephone.

1 Brad Hompe, having been first duly sworn, was
 2 examined and testified as follows:
 3

EXAMINATION

5
 6
 7 BY MR. WEIDNER:
 8 Q Sir, my name is Tom Weidner. I represent several
 9 plaintiffs in a case against Polk County, I think
 10 you're aware of that. Is that fair to say?
 11 A Yes.

12 Q All right. Sir, how do we pronounce your name?
 13 A Hompe, H-O-M-P-E.

14 Q And could you tell us -- you've had your
 15 deposition taken before. Correct?

16 A Yes.

17 Q You understand how this works?

18 A Yes.

19 Q All right. If you don't understand one of my
 20 questions, please let me know and I'll be glad to
 21 rephrase it. Okay?

22 A Okay.

23 Q Can you tell us first, what you currently do for
 24 employment?

25 A I'm a Detention Facility Specialist, lay term,

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1 **jail inspector for the state of Wisconsin.**
 2 **Q** How long have you been doing that?
 3 **A** **I've been in this position since 2009. I've been**
 with the department since 1995.
 5 **Q** Why don't you give us a summary of what you've
 done since 1985.
 7 **A** **I have been a correctional officer, a sergeant, a**
 lieutenant, a captain, unit manager, a deputy
 warden, a warden and this position.
 10 **Q** All right. Let's take it back to when you first
 started in 1995. You started as a --
 12 **A** **Correctional officer.**
 13 **Q** As a correctional officer where?
 14 **A** **Winnebago Correctional Center.**
 15 **Q** You had some promotions. Is that correct?
 16 **A** **Correct.**
 17 **Q** You went from sergeant --
 18 **A** **To sergeant at Kettle Moraine Correctional.**
 19 **Q** How long were you there?
 20 **A** **1997, I believe.**
 21 **Q** I'm not familiar with that facility. What is that
 facility?
 23 **A** **Medium security jail.**
 24 **Q** Is it a state facility or is it a county facility?
 25 **A** **Yes. These are all state prisons.**

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1 **unit manager.**
 2 **Q** Okay. How long were you a unit manager at the
 Super Max?
 4 **A** **Until April of 2004. I can't give you the exact**
 time, but that's when I left.
 6 **Q** What did you do after April of 2004?
 7 **A** **Deputy warden at Racine Correction.**
 8 **Q** You've pretty much seen most of the correctional
 facilities in the state or worked at them.
 10 **Q** Correct?
 11 **A** **Yes, I have.**
 12 **Q** Deputy warden at Racine?
 13 **A** **Yes.**
 14 **Q** All right. How long did you do that?
 15 **A** **2007. At some point I was transferred to deputy**
 warden at Stanley Correctional.
 17 **Q** All right.
 18 **A** **Two weeks there and I was reassigned to the warden**
 position there.
 20 **Q** In 2007?
 21 **A** **Yep.**
 22 **Q** Okay. So you were warden from 2007 until when?
 23 **A** **2009, I was again reassigned to the deputy warden**
 at Red Granite Institution. And both of those
 were medium male. And I was only there for six

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1 **Q** All right. And you were at, is it Kettle Moraine?
 2 **A** **Kettle Moraine from -- sometime right away. I was**
 promoted in six months. So I was there from '95
 to '97, thereabouts.
 5 **Q** And then where?
 6 **A** **Waupun Correctional Institution, which is a**
 maximum male.
 8 **Q** When were you at Waupun?
 9 **A** **'97 to '99.**
 10 **Q** And what was your job there?
 11 **A** **Lieutenant.**
 12 **Q** What was your next position?
 13 **A** **Captain, at Taycheedah Correctional Institution.**
 14 **Q** Taycheedah is a female --
 15 **A** **Female, yes.**
 16 **Q** When were you at Taycheedah?
 17 **A** **Captain.**
 18 **Q** When?
 19 **A** **'99 to 2000. One year exactly.**
 20 **Q** After 2000, where did you go?
 21 **A** **Wisconsin Secure Program Facility.**
 22 **Q** What's that?
 23 **A** **Known as our Super Max in Wisconsin.**
 24 **Q** All right. What did you do there?
 25 **A** **I was a captain for a few months and then became a**

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1 **months when I took this position.**
 2 **Q** And that is the jail inspector position?
 3 **A** **Yes.**
 4 **Q** Detention facility specialist?
 5 **A** **Yes.**
 6 **Q** All right. And have you been in this position
 ever since?
 8 **A** **Yes.**
 9 **Q** Generally, what are your duties as a detention
 facility specialist?
 11 **A** **Well, we have to inspect each facility once per**
 year minimum. Issue an inspection report. We
 also provide technical assistance throughout the
 year, whether that may be policy assistance or
 training or just making them up with appropriate
 services made from the National Institute of
 Corrections. We also get complaints from inmates,
 investigate and answer those. We do administrator
 reviews of suicides, deaths or other significant
 incidents. We also have to be involved in any
 construction, whether it's remodeling or new
 construction and approve those plans and approve
 occupancy of the jails.
 24 **Q** All right.
 25 **A** **That kind of sums it up.**

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1 Q Do you have a certain territory?
 2 A Yes.
 3 Q Since 2009, have you always had the same
 4 territory?
 5 A Yes.
 6 Q What territory is that?
 7 A **The western region is what we refer to it as.**
 8 Q The western region of Wisconsin?
 9 A Yes.
 10 Q What geographic territory is that? And I
 11 understand it's the western portion of the state.
 12 A **I run all the way from Douglas County, which is**
 13 **Superior, Wisconsin, all the way south to LaCrosse**
 14 **County.**
 15 Q How many facilities is that?
 16 A **That's 17 county jails, three juvenile detention**
 17 **centers.**
 18 Q Are there any state facilities in those?
 19 A **There is in the region, but I don't have anything**
 20 **to do with those.**
 21 Q How come?
 22 A **It's not under our purview.**
 23 Q So the detention facility specialist is just
 24 county jails?
 25 A Correct.

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1 Q And that would be from 2009 and every subsequent
 2 year up to 2016?
 3 A **Correct. I don't know if I did the 2009**
 4 **inspection.**
 5 Q I don't know. I'm handing you what seems to be
 6 the 2009 inspection.
 7 A **Yeah. This was done by a different inspector.**
 8 Q All right. So when you were hired -- so the
 9 inspections that you did were from 2010 and
 10 forward?
 11 A **Correct.**
 12 Q As I look at this Jail Inspection Report, it looks
 13 like they changed over time.
 14 A Yes.
 15 Q And how would -- in looking at the 2010 report, it
 16 appears that it is more significant in questions
 17 or detail than the 2009 report. Is that fair to
 18 say?
 19 A Yes.
 20 Q And when I talk about that, it looks like there's
 21 a summary that is prepared by the inspector on the
 22 first several pages, and then it looks like there
 23 is a form that is attached to that.
 24 A Yes.
 25 Q Did you have anything to do with changing the form

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10
 1 Q But do you -- who is your employer?
 2 A **Department of Corrections.**
 3 Q Is there a separate facility specialist for
 4 prisons?
 5 A **No. They actually take care of their own. They**
 6 **inspect themselves.**
 7 Q In the position that you've had since 1995, when
 8 you first started as a correction officer, they
 9 were all in prison settings. Correct?
 10 A Yes.
 11 Q Did you have any experience working in county
 12 jails?
 13 A No.
 14 Q You said there's an annual inspection?
 15 A Yes.
 16 Q And Polk County is one of those facilities that
 17 you inspect. Is that correct?
 18 A Yes.
 19 Q Have you done annual inspections of Polk County
 20 Jail since 2009?
 21 A Yes.
 22 Q You did provide me, when you came here today, some
 23 documentation from each of those inspections. Is
 24 that correct?
 25 A Yes.

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12
 1 from the 2009 inspection to the 2010 inspection?
 2 A No.
 3 Q Was that mandated by the state?
 4 A **It was a decision by our office from our**
 5 **supervisor.**
 6 Q Where did you get this form? Do you know, where
 7 did your office obtain the form that was starting
 8 to be used in 2010?
 9 A **It's my understanding it was developed by the**
 10 **inspectors in the unit, based off the**
 11 **administrator code.**
 12 Q Did you have a hand in preparing this document?
 13 A **Not the one used in 2010. It also switched again**
 14 **in 2015 or '16, which I did.**
 15 Q All right. It was in 2010 it looks like it was a
 16 23, 25 -- it's a 25 page document. Just tell me
 17 generally what the change was from 2010's form to
 18 2015, if you recall?
 19 A **The administrative code was updated, so we had to**
 20 **update the form to include all the provisions that**
 21 **were in the code.**
 22 Q What are you talking about, the Administrative
 23 Code?
 24 A **It's the code that governs jails, as far as**
 25 **standards.**

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	13		15
1 Q	Is that a Wisconsin Administrative Code?	1 A	It's a federal act that -- I don't exactly remember the date it came down. It includes standards to be followed if you're going to be compliant with the PREA Act, I believe it's mandatory for state facilities and the penalty of loss of funding. I do not believe it's mandatory for state or excuse me, county jails.
2 A	Yes. Chapter -- it's Wisconsin DOC 350.	2	
3 Q	You also refer to NIC policies or National Institute of Corrections. Is that correct?	3	
4		4	
5 A	Yes.	5	
6 Q	What is that?	6	
7 A	National Institute of Corrections is a division under the Federal Bureau of Prisons that provides technical assistance to county jails.	7	
8		8	
9		9	
10 Q	This is new to me. Tell me what technical assistance means.	10 A	Because they have no loss of funding. The only way they enforce the act is through taking away federal funds.
11		11	
12 A	They would provide a multitude of things. They would provide training, either onsite or have people come to them. They have resource materials, training materials.	12 Q	So it may be mandatory, but it's not enforceable?
13		13	Is that what you're saying?
14		14	MR. CRANLEY: I object to the form.
15		15	BY MR. WEIDNER:
16 Q	Resource materials, like what?	16 Q	You can answer.
17 A	Pretty much any topic that has to do with jails, they would be able to provide you with. Whether it's classification, inmate supervision, direct supervision, jail administrator practices.	17 A	Possibly. I guess I really can't answer that. I can only tell you what my understanding of it is.
18		18	
19		19 Q	So what you're -- tell me more about your understanding of it.
20		20	
21 Q	Training manuals. You talked about training materials, excuse me.	21 A	What I've explained to the jails is it's a federal act, there's standards out there. We certainly encourage them to look at the standards, and implement what they can.
22		22	
23 A	Training materials.	23	
24 Q	Is that what you're talking about, resource materials and training materials, are they the	24	
25		25 Q	Okay.
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	14		16
1	same?	1 A	PREA compliance does not fall under our jurisdiction, so I can't force it upon them or find them noncompliant. So their compliance at this time is voluntary or on their own decision.
2 A	Yes.	2	
3 Q	All right. Were any of those regarding PREA?	3	
4 A	They have them. Yes.	4	
5 Q	Have you seen any -- and you know what I'm talking about with PREA. Correct?	5 Q	Voluntary meaning -- what do you mean by voluntary?
6		6	
7 A	Yes.	7 A	As far as from us, the Department of Corrections, we don't dictate it. As far as their being in compliance with the federal act, I don't know if there's any ramifications for that.
8 Q	PREA is an acronym for what?	8	
9 A	Prison Rape Elimination Act.	9	
10 Q	Is that also found in the National Institute of Corrections?	10	
11		11 Q	Leaving ramifications aside, when you mean ramifications, do you mean penalty to the facility for not complying?
12 A	Yes. They have resources for that.	12	
13 Q	And that was the Federal Bureau of Prisons that developed that? Do you recall?	13	
14		14 A	Correct.
15 A	Developed?	15 Q	So it may be required of those jails? You don't know?
16 Q	PREA.	16	
17 A	No. PREA --	17	MR. CRANLEY: I object to the form. Asked and answered. Foundation.
18 Q	Tell me what you know about PREA and its development.	18	THE WITNESS: I really don't know the answer to that.
19		19	
20 A	It's a federal act.	20	
21 Q	A federal law?	21	BY MR. WEIDNER:
22 A	It's a federal act.	22 Q	That's what I'm getting to. You know it applies to certain facilities, state facilities. Right?
23 Q	What is a federal act as opposed to a federal law?	23	
24 A	Good question. I couldn't answer that.	24 A	Correct.
25 Q	Tell me about PREA.	25 Q	And you know it applies to federal facilities.
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	17		19
1	Correct?	1	Q K-R-I-S-T-I-N?
2	A Yes.	2	A Yes. D-I-E-T-Z.
3	Q But you don't know whether or not it is mandatory	3	Q Did any of the other -- did Polk County -- let me
4	compliance for jails?	4	back up. Strike all of that.
5	A Right. I know it applies to them, but not	5	Did Polk County Jail ask for the training
6	necessarily mandatory. There are standards that	6	PowerPoint for PREA?
7	include the jails. So it's written for jails.	7	A I don't know the answer to that, if they asked for
8	Q And the standards that included the jails, tell me	8	it. They were all made aware of it, that it was
9	what you know about those.	9	available and where it was -- they could access it
10	A Basically I know they exist. I could recite some	10	actually from WILENET training website.
11	of them, but for me they're basically a reference	11	Q Can you tell me what that is again?
12	at this point, like any other standards.	12	A It's a website administered by the Department of
13	Q What do you mean by that?	13	Justice. They have a portal for jails and jail
14	A Well, the American Correctional Association, they	14	training. So they put it in there so anybody who
15	have standards. The NCCAC, National Commission on	15	wants to access it can access it.
16	Correctional Health, they have standards. We	16	Q What is WILE? It's an acronym, I am assuming.
17	always reference those as correctional best	17	A I couldn't answer that. We always just know it as
18	practice. So we obviously would look at them when	18	WILE.
19	we're looking at how jails should operate.	19	Q Do you know how to spell it?
20	Q Has there been a discussion amongst your detention	20	A Yeah. Just W-I-L-I Net (sic).
21	facility specialist throughout the state about	21	Q Thank you.
22	looking at jail compliance with PREA? Has there	22	A I think it's Wisconsin Law Enforcement Network or
23	ever been a general discussion about that?	23	something like that.
24	A I would say yes.	24	Q I kind of understand now. Not Wiley Coyote.
25	Q Tell me about that general discussion, if you	25	All right. Posters, do you know what the
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	18		20
1	would.	1	content of the posters is?
2	A The discussion has been basically that we do not	2	A Not exactly, but in general, they were basically
3	have statutory oversight. So it's not included in	3	zero tolerance for sexual abuse.
4	our code and it's not included in our inspection	4	Q And were they posters designed to be read by
5	document. We have provided resources to people in	5	inmates or were they posters designed to be read
6	regards to PREA, but as far as compliance or	6	by staff or both?
7	oversight, nothing.	7	A All of the above.
8	Q Is that -- what sort of resources do you provide	8	Q Were there individual posters for inmates?
9	or make available to the jails that you inspect,	9	A Yes, if they chose to post them there. Some jails
10	including Polk County, regarding PREA?	10	post them all over the place and some don't post
11	A Those resources were made available to us. I	11	them anywhere.
12	believe it was a technical assistance grant that	12	Q Polk County is one of those that doesn't post them
13	the state got. And we gave the jails, if they	13	anywhere. Is that right?
14	wanted them, there were posters that they could	14	A I don't know. I haven't --
15	post in their jails, zero tolerance for sexual	15	Q I took the deposition of Captain Nargis and he
16	abuse. We developed a training PowerPoint for	16	doesn't -- we were told he doesn't put posters up.
17	PREA, and I don't recall all of the components,	17	He's afraid of tunneling behind the posters,
18	but one of the components was staff training that	18	because he saw it on a movie one time. Were you
19	they could utilize if they chose to do so.	19	aware of that?
20	Q Do you know when these were developed?	20	A No.
21	A I could not give you the date. My supervisor was	21	Q That sounds pretty ridiculous, doesn't it?
22	heavily involved in that and she would have	22	MR. CRANLEY: Objection to the form.
23	intimate details on that.	23	BY MR. WEIDNER:
24	Q What's her name?	24	Q Let me ask you this; does that sound a little
25	A Kristin Dietz.	25	ridiculous?
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1 A **I mean, it can happen, but I mean placing posters
in the jail is common.**

2 Q He referenced, I think, Shawshank Redemption was
3 his reference as to a security breach as being
4 possible. Have you seen the movie?

5 A **Yes.**

6 Q The training PowerPoint, have you reviewed the
7 training PowerPoint on PREA?

8 A **Yes.**

9 Q How long is that training PowerPoint?

10 A **There are several, and I could not answer that. I
haven't recently, so I don't want to give you a
number and be wrong.**

11 Q Okay.

12 A **Certainly that could be made available.**

13 Q And that is through -- you can pull it up on WILE?

14 A **Yes.**

15 Q In front of you is what has been marked as Hompe
16 Deposition 15 and there's a series of them. You
17 had the opportunity to look at that right before
18 this deposition. Correct?

19 A **Yes.**

20 Q I set it in front of you and I didn't ask you to
21 read it. Fair?

22 A **Correct.**

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1 Q But you started paging through it once it was set
2 in front of you?

3 A **Correct.**

4 Q Have you seen that Inmate Handbook before? I'm
5 told that is the Polk County Jail Inmate Handbook
6 and we were told that by Sergeant -- excuse me,
7 Captain Nargis. Have you seen that document?

8 A **I have seen their handbook and I don't know if
this has been revised since. This appears to be
their handbook.**

9 Q Is part of your job to review the handbook and the
10 contents of the handbook?

11 A **I just need to make sure they have a handbook.
What's in the handbook is really up to them. I
may make recommendations, but their rules are --
their handbook content is really up to the jail.**

12 Q Do you recall whether or not you reviewed this
13 handbook for its content and made comments on it
14 at any time between 2010 and present?

15 A **I don't.**

16 Q And you looked over at this pile here of reports.
17 Would that have been a suggestion that you would
18 have written in your Department of Corrections
19 Report, Jail Inspection Annual Report?

20 A **It could be.**

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1 Q All right. You were paging through this handbook
2 right before the deposition, and I saw you stopped
3 at a certain section and read that section. Is
4 that fair?

5 A **Yes.**

6 Q You didn't stop at any other section, but you
7 stopped at the one section in there. Is that fair
8 to say?

9 A **Yes.**

10 Q What section was that?

11 A **It was a PREA notification.**

12 Q Does it say anywhere on there the words PREA?

13 A **It does not.**

14 Q All right. So how is that identified as a PREA
15 notification?

16 A **I just recognized the language from being typical
language that it's been recommended that we share
with inmates.**

17 MR. CRANLEY: Can we identify what language
18 you're talking about in Exhibit 15?

19 BY MR. WEIDNER:

20 Q I was just about to. I had to grab my glasses
21 first.

22 You're talking about page 10 of 12?

23 A **Correct.**

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1 Q Is that -- and it's on the bottom portion after
2 Grievance Policy. Is that correct?

3 A **Yes.**

4 Q There's actually no heading for that, above that.

5 Is that correct?

6 A **Correct.**

7 Q When you say you recognized the language, how is
8 it that you recognized that language as being PREA
9 language?

10 A **One of the standards is that inmates are notified
and we have shared with the jail administrators
and I believe they have gotten it electronically,
but for sure verbally it's been recommended they
put the statement in the handbook and make sure
the inmates are notified of their ability to
report.**

11 Q Now, is that -- the language in that, that you're
12 referring to on the bottom of page 10, there's one
13 paragraph. Is that correct?

14 A **Correct.**

15 Q And that paragraph is presumed to be reported in
16 Spanish. Is that correct?

17 A **Yes.**

18 Q So because I don't speak Spanish, I'm assuming it
19 says the same thing. Is the PREA notification

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1 language one paragraph in PREA?
 2 MR. CRANLEY: I object to the form.
 3 THE WITNESS: The basic notice, maybe.
 4 Certainly they could expound upon it. I've seen
 5 more in depth, but it's again, up to what the
 6 facility chose to put in there.
 7 BY MR. WEIDNER:
 8 Q And that's a facility choice?
 9 A Yes.
 10 Q And with regard to the notice that PREA is offered
 11 or is identified in PREA, the total language is
 12 what you make available to the jails. Is that
 13 correct?
 14 MR. CRANLEY: I object to the form.
 15 THE WITNESS: I guess I don't understand the
 16 question.
 17 BY MR. WEIDNER:
 18 Q You said that you make certain you share
 19 recommendations.
 20 A Yes.
 21 Q And do you share only that language recommendation
 22 or do you show the expanded notice from PREA as a
 23 recommendation?
 24 A We would have given them the whole -- the entire
 25 -- whatever we had, we would have given it to
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1 them. I can't recite what is on that, but we'd
 2 give them the whole thing.
 3 Q Well, it's fair to say that's not the whole
 4 language from PREA notification. Correct?
 5 A Yes.
 6 Q So someone at the Polk County Jail made the
 7 decision to only include that one paragraph as
 8 notification. Is that correct?
 9 A Yes.
 10 Q Do you know who that person was?
 11 A I don't. I assume either the jail administrator
 12 or the sheriff would have the final oversight.
 13 Q Who is the jail administrator?
 14 A Scott Nargis.
 15 Q Do you know Scott?
 16 A Yes.
 17 Q I'm sorry, I should have said Mr. Nargis.
 18 MR. CRANLEY: Captain.
 19 BY MR. WEIDNER:
 20 Q Or Mr. Nargis. Do you know Captain Nargis?
 21 A Yes.
 22 Q Are you -- do you have a relationship with Mr.
 23 Nargis outside of your professional relationship?
 24 A No.
 25 Q You're not friends or you don't hang out?
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1 A No.
 2 Q Had you ever provided any training for the Polk
 3 County corrections officers?
 4 A Not that I recall.
 5 Q Have you ever been requested by Captain Nargis to
 6 provide any training to the Polk County correction
 7 officers?
 8 A Not that I recall.
 9 Q Do you do that on occasion?
 10 A Yes.
 11 Q Do you have other jails or county jails or
 12 facilities that have asked you to provide
 13 training?
 14 A Yes.
 15 Q In what areas?
 16 A It varies. Suicide prevention is the common
 17 topic. Avoiding inmate
 18 manipulation/professionalism has been another one.
 19 Q Any others?
 20 A I think that's all I've given directly to the
 21 jails.
 22 Q So can you explain to me, if you would, sir, what
 23 inmate manipulation training means?
 24 A It's basically a professionalism class that
 25 focuses around avoiding any type of inappropriate
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1 or too close of conversations with inmates that
 2 would lead to relationships, that may lead to
 3 inmates knowing things that they don't need to
 4 know about people. An example would be, you
 5 simply don't discuss where you're going on
 6 vacation or you don't discuss what your kids do,
 7 whether they're involved with soccer, et cetera.
 8 You just keep it professional and keep your
 9 personal outside life outside the jail.
 10 Q Inmate manipulation training is to try to avoid
 11 situations like we're here for. Correct?
 12 A Possibly, yes.
 13 Q Partially?
 14 A Yes.
 15 Q Tell me about your educational background, if you
 16 would.
 17 A I have a Bachelor Degree in Criminal Justice with
 18 a minor in Psychology and a Master's Degree in
 19 Public Administration.
 20 Q When did you get the Master's?
 21 A I don't recall exactly. Between 2002 or '04,
 22 somewhere in there.
 23 Q So it's something that you've been working on
 24 professionally while you've been working within
 25 the Department of Corrections?
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1 A Yes.
 2 Q And where did you get that degree from?
 3 A UW-Oshkosh.
 4 Q Did you ever train Captain Nargis at the Polk
 5 County Jail on the requirements of PREA?
 6 A No.
 7 Q Did you ever advise him on what to put -- him
 8 meaning Captain Nargis, on what to put in his
 9 handbook on PREA?
 10 A Not specifically.
 11 Q Did you ever train him or inform him of the basics
 12 of PREA that he needed to teach to his
 13 correctional officers?
 14 A We made him aware of the standards and the
 15 training, but as far as what he chose to train his
 16 officers in, we didn't dictate that.
 17 Q You used the word, we, who are we?
 18 A The Department of Corrections.
 19 Q And does the Department of Corrections, when you
 20 say -- I'm going to differentiate between the
 21 Department of Corrections and yourself, sir.
 22 Okay?
 23 A Okay.
 24 Q When you say the Department of Corrections made
 25 him aware of the standards, how is it that the

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1 Department of Corrections made Captain Nargis
 2 aware of the standards of PREA?
 3 A Through email.
 4 Q Can you describe for me, sir, if you would, what a
 5 typical email to make someone aware of what those
 6 standards would be?
 7 A There's been several emails on the topic since it
 8 became an act. Primarily from my supervisor,
 9 again, Kristi Dietz, she shared many PREA emails
 10 with the jail administrator group. And one of
 11 them, as I recall, was a reference to the
 12 standards and where they can find the standards.
 13 Q Do you know when PREA was finally enacted?
 14 A Not off the top of my head.
 15 Q Do you know approximately?
 16 A 2010-ish, maybe '12. I don't recall exactly.
 17 Q Did you send out those emails or did Ms. Dietz
 18 sends out those emails?
 19 A I don't believe if I would have forwarded them.
 20 For sure she would have sent them out.
 21 Q Would they have originated from Ms. Dietz?
 22 A Yes.
 23 Q You talk about a jail administrator's group, tell
 24 me about the jail administrator's group, if you
 25 would.

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1 A Well, like I said, I have 17 counties and I get
 2 those jail administrators together and we meet
 3 periodically and discuss kind of recent events and
 4 issues people are having, best practices. So I
 5 kind of refer to them as the group.
 6 Q And it would be -- would there be -- there's a
 7 better word for it, other than chat room, but is
 8 it sort of a space where everyone can communicate
 9 about different issues?
 10 A They have that as well, that's separate from the
 11 meeting.
 12 Q I think it's also a term as a List Serve?
 13 A Correct. I believe it's a service from Yahoo.
 14 Q Do you ever lead discussions on that List Serve?
 15 A I do not.
 16 Q Are you part of that List Serve?
 17 A I am.
 18 Q As being part of that List Serve, do you at times
 19 weigh in if you see a conversation going afoul
 20 from what your standards for the Wisconsin jails
 21 are?
 22 A I personally do not. My choice.
 23 Q So you're there, but do not participate in any
 24 other way?
 25 A Correct.

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	33		35
1	Q You have talked to Charlie Bohl. Right?	1	referred him to the standards in the PowerPoint.
2	A Yes.	2	What I tell everybody with PREA is look at the
3	Q Tell me about the conversations you had with Mr.	3	standards, and at the very minimum make sure the
4	Bohl.	4	inmates have been informed that they have a
5	A He simply left me a message that you wanted to	5	reporting mechanism, you have an investigative
6	depose me and asked that I call him back and give	6	process and you have staff training. Those are
7	him some dates.	7	the minimums. People are aware that there's a
8	Q Have you ever worked on any cases that involved	8	process. And obviously PREA can be expanded much
9	Mr. Bohl in the past?	9	more than that, but to me that's just the bare
10	A I don't recall.	10	minimum.
11	Q Before this deposition started we had some, just a	11	Q Are you saying that the training should just
12	discussion or a conversation about depositions.	12	consist of telling people that?
13	You indicated that you had plenty of deposition	13	A No, not at all.
14	experience because of your prior positions. Is	14	Okay.
15	that fair to say?	15	A What I'm saying is, being aware of PREA, if you're
16	A Yes.	16	going to do nothing else at all, at least inform
17	Q You've been involved with lawsuits before, in your	17	the inmates that they have the ability to -- they
18	capacity as deputy warden and as warden?	18	have the right not to be sexually abused and have
19	A Yes.	19	a reporting mechanism, one. Two, train your staff
20	Q You indicated that all of the jail administrators	20	so they know how to handle it, as far as reporting
21	within your jail administrator group were made	21	it. And three, make sure you have an
22	aware of the standards of PREA.	22	investigative process to clearly vet those
23	A Yes.	23	complaints.
24	Q Did you also make those jail administrators aware	24	Q So those are the four basic areas?
25	of the training materials that were available,	25	A If they do nothing else, at least do that.
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1	both the poster and the PowerPoint for training on	1	Q All right. Train inmates?
2	PREA?	2	A Inmate awareness, I would call it.
3	A Yes.	3	Q So do you feel it's adequate training to just tell
4	Q Do you recall whether or not Captain Nargis ever	4	them -- tell staff those four things?
5	asked for that information from you?	5	A No.
6	A I don't.	6	Q Would you have referred them and said to take a
7	Q Do you recall whether or not Captain Nargis had	7	look at the PowerPoint?
8	any specific inquiry of you of what he should	8	A Yes.
9	include in his training?	9	Q Do you know what -- part of PREA is the safe
10	A No.	10	method to report. Correct?
11	Q No, you don't recall or no, he didn't?	11	A Yes.
12	A I don't recall if he did or not.	12	Q And that the inmate has to have confidence in the
13	Q If he did ask you what are the basics I have to	13	reporting process?
14	teach, would you have told him what the basics	14	A Yes.
15	were that you have instructed?	15	Q And it's not just telling the jailer who -- the
16	A Certainly.	16	jailer may be the victimizer. Correct?
17	Q Would you have referred him to the training	17	A Correct.
18	materials?	18	Q Do you know what Polk County did to implement a
19	A Yes.	19	reporting process for inmates?
20	Q Have you ever told someone what the basics they	20	A I do not.
21	have to teach -- obviously, if Captain Nargis told	21	Q That again, is outside of your inspections.
22	you or asked you what the basics he would have to	22	Correct?
23	train on for PREA, do you know what you would have	23	A Correct. At this point.
24	told him?	24	Q What do you mean by at this point?
25	A As far as staff training, I would have simply	25	A It certainly could become part of our purview in
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1 the future.		1 A Yes.	
2 Q Who would make that decision, if you know?		2 Q They've implemented those different things that	
3 A It could be the secretary of the department or it		3 you've actually observed in those jails?	
4 could be her supervisor.		4 A Yes.	
5 Q Have you gone through training on PREA?		5 Q The jail administrator group, it's my	
6 A Yes, I have.		6 understanding that jail administrator's group at	
7 Q Who provided that training of PREA?		7 some point was looking for references for trainers	
8 A I've been to a number of them. The Department of		8 on PREA, someone to come in and train their staff.	
9 Corrections has a PREA coordinator. For sure I		9 Are you aware of that?	
10 would have been to a number of trainings through		10 A Yeah, it's been on the -- do you mean on the Yahoo	
11 that person. We also through the grant that I		11 group?	
12 previously mentioned, we had some trainings that		12 Q Yes.	
13 were put on, and I believe the PREA -- the		13 A Yeah, it's been on there a number of times.	
14 National PREA Resource Center had part in that,		14 Q When you say it's been on there, do you mean the	
15 took part in that.		15 subject matter --	
16 Q It's not difficult to find out information on		16 A Yes.	
17 PREA, is it?		17 Q -- about consultants?	
18 A No.		18 A No. Just PREA.	
19 Q It's everywhere.		19 Q Specifically toward the training consultants, do	
20 A Correct.		20 you recall any conversations among your jail	
21 Q The PREA -- the statewide PREA coordinator, what's		21 administrator's group about training consultants?	
22 her name? Do you recall?		22 A Two things that I recall. One, is the -- in fact,	
23 A It just switched. I don't know the name off the		23 right in this county here, Chippewa County, there	
24 top of my head. Maryann Morgan is who trained me.		24 was a PREA investigator training that was made	
25 She was the PREA coordinator at the time.		25 available if anybody wanted to send people. The	
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1 Q About when did you get the training?		1 other thing I believe was on there is they	
2 A Boy, it's been a couple of years already.		2 discussed what people are doing for PREA training,	
3 Q Have you had annual training since?		3 and there's a private contractor called Educor,	
4 A No.		4 that does online PREA training, that many of the	
5 Q What are some of the methods that you've seen, if		5 jails use.	
6 you have seen during your inspections of the		6 Q E-D-U-C-O-R?	
7 jails, other than Polk County? What methods, if		7 A Yes.	
8 any, have you seen about PREA reporting? Have you		8 Q Are you also familiar with Lexipol?	
9 seen the ways that they do it?		9 A Lexipol, yes.	
10 A As far as an inmate reporting an allegation?		10 Q What is Lexipol?	
11 Q Yes.		11 A Lexipol is a risk management company that offers a	
12 A They have their grievance system. Some have a		12 policy and training service to law enforcement and	
13 regular form, a handwritten form. Some have a		13 jails.	
14 kiosk, where they can put the complaint on a kiosk		14 Q Lexipol training units with regard to jails, do	
15 so they can bypass the officers and go directly to		15 they have a PREA section, do you know?	
16 the sergeant or captain or whoever. Some have an		16 A Their training consists of what they consider	
17 implemented outside reporting, outside the jail		17 daily training bulletins based on policy. So they	
18 staff, that could simply be the DA or it could be		18 would give you a scenario and give you the policy	
19 someone else that they have chosen to partner		19 rule and walk through that scenario and make you	
20 with, so that they have an external reporting		20 make a decision and answer a test question on that	
21 mechanism.		21 particular policy. That's what their training	
22 Q In the jail administrator group that you work		22 consists of. It's not necessarily a full training	
23 with, is that what you're talking about, within		23 on topics like PowerPoint.	
24 those 17 different facilities or jails that you go		24 Q Okay. Those units for Lexipol -- is Educor	
25 to?		25 different?	
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1	A Yes.	1	don't think anybody in this region has gone to the
2	Q What does Educor do?	2	point of getting an audit, because of the cost.
3	A Educor, it's an online training that walks you right through PREA 101, and then you have a little test and it records it, it gives you the date on who took it. I believe it's based right out of Hudson.	3	That's one of the troubling components of PREA for the jails is requiring that audit.
4		5	BY MR. WEIDNER:
5		6	Q But it doesn't really cost much to tell somebody about PREA or put up a poster?
6		7	
7		8	A No. It's free.
8	Q It's convenient for me, but not most.	9	Q You give them the posters. Right?
9	A Right. It's online.	10	A Correct.
10	Q Have you ever testified as an expert witness?	11	Q And when you see a jail that doesn't do anything,
11	A Yes.	12	do you make suggestions to those jail
12	Q Tell me about that.	13	administrators that they may do more?
13	A Multiple times for use of force for the Department of Justice, prison cases. Also, as a consultant. All I've really had to do is been deposed. I didn't have to go to federal court on those.	14	A Well, I have told everybody in our jail administrators group not to ignore PREA, to take a look at the standards and implement what makes sense for them.
14		15	
15		16	
16		17	
17	Q Have you ever testified as an expert witness on PREA or PREA standards?	18	Q When you say what makes sense for them, what do you mean by that?
18		19	
19	A No.	20	A Some of the standards -- facility-wise, they may not simply be able to meet because of the way the facility is designed or the staffing is provided. Some of the standards were troubling to the jail administrators and they simply -- a couple of them, they simply were not going to acknowledge.
20	Q Do you feel you're qualified as an expert witness on PREA or PREA standards?	21	
21		22	
22	A No.	23	
23	Q Would it be fair to say that in the discussion group of the jail administrators, that at some point those jail administrators were in a tizzy	24	
24		25	
25			
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	42		44
1	about PREA?	1	They made that clear.
2	A I would say there's been a lot of questions and frustration about it as it rolled out. When it first came out people didn't necessarily understand what to do, where to go. So there's been some frustration with it.	2	Q Was Polk County one of those places that made it clear that they were not going to acknowledge PREA?
3		3	
4		4	
5		5	A I don't recall him specifically saying that.
6		6	Q Did he ever discuss the difficulties he may have with PREA compliance with you, he meaning Captain Nargis?
7	Q Did you point them, in your role as a detention facility specialist, in the direction of resources that they could use?	7	
8		8	
9		9	A I don't recall any specific conversation with him.
10	A Yes.	10	Q In the brief time that I had to review the reports prior to this deposition, I noted in several reports you indicate that supervision, they needed increased supervision in their jail. Is that correct?
11	Q Would that be something that you would do routinely?	11	
12		12	
13	A Yes.	13	
14	Q If someone asked, what do I have to train on PREA, would you point them to the training materials?	14	
15		15	A Yes.
16	A Yes.	16	Q And you're not looking at anything. I'm actually looking at it, but do you recall that being an issue with the Polk County Jail?
17	Q Would you expect them to just rely on what you told them on the four elements and say, these are the four elements of PREA?	17	
18		18	
19		19	A Yes. Ongoing.
20	MR. CRANLEY: I object to the form.	20	Q Explain to me, if you would, what you mean by ongoing, and I think you used the word concern in your report, remains to be a concern, supervision does. Can you explain to me what you mean by that?
21	THE WITNESS: It's completely up to them at this point. Again, some jails have done nothing at all, they haven't even acknowledged it. Some have done the basics and some are full-fledged trying to implement every single standard. I	21	
22		22	
23		23	
24		24	
25		25	A First, again, it's standards -- excuse me.
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1 Staffing is not mandated by the Department of		1 audit calendar process. It's one of those things	
2 Corrections. We also make recommendations for		2 that NIC recommends.	
3 best practices and things we feel -- its best		3 Q What's an audit calendar process?	
4 correctional practices and be basically liability		4 A What it is is basically, he develops a calendar,	
5 mitigation. That being the jails that nowadays we		5 when your policies and procedures dictate things	
6 recommend a supervisor be on duty at all times.		6 be done, whether it would be daily, monthly or	
7 Q And why is that?		7 annually, it's a checks and balances to make sure	
8 A It's a very high liability area. Although, you		8 that's being doing. And you can assign tasks and	
9 like your employees to do what they are supposed		9 assignments to certain people to take a look at	
10 to do, there's a lot of things that take place in		10 those things. He's kind of -- I'm not sure if he	
11 jails that quite frankly you want to have a		11 still as of today is doing that, but at one point	
12 supervisor around. If they're intoxicated or		12 he had developed that pretty in depth and it was	
13 suicidal, the gamut. They have to make a lot of		13 pretty impressive. We used it as a model for	
14 decisions and it's best to have a supervisor		14 other jails.	
15 on-site at all times.		15 Q You don't use his PREA reporting process as a	
16 Q In one of the issues here, you actually give		16 model for anything, do you?	
17 credit in one of your inspection reports to		17 A We do not.	
18 Captain Nargis. Is that right? Do you recall		18 Q Do you use this case as an example of what not to	
19 that? Indicating that he's increasing		19 do in any of your training?	
20 professionalism?		20 A This case?	
21 A Yes.		21 Q This case in Polk County of the officer having	
22 Q The statement is that the sheriff's -- the		22 sexually molested, I believe to be five different	
23 Department of Administration, in particular		23 victims?	
24 Captain Scott Nargis, should be commended for his		24 A Actually, I know very little about the case. It's	
25 ongoing efforts to improve and professionalize		25 really not been discussed. We've offered to take	
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1 jail operations.		1 an after action look at it, but it's never been	
2 A Yes.		2 brought to us to take a look at it.	
3 Q Why did you write that?		3 Q All right. And there may be many different	
4 A At the beginning of the inspection there should be		4 reasons for that.	
5 some operational changes and improvements that		5 A I'm assuming because it's in litigation.	
6 were made.		6 Q So one of the questions that I have is, when you	
7 Q Are you talking about the front page of these		7 go and suggest changes in the jail, who do you	
8 reports?		8 suggest those changes to?	
9 A Yeah, if you look at the inspections.		9 A Well, the inspection reports goes to the sheriff.	
10 Q What it is -- this is the only copy I have. This		10 It's addressed to the sheriff and it's always	
11 is the June 1, 2015 report. Correct?		11 copied to the jail administrator. So I would say	
12 A Normally I would have a list of changes that were		12 both of them.	
13 made to the jail. It looks like he didn't provide		13 Q Do you ever send it to county commissioners?	
14 any there at this one. Typically what that		14 A I do not. We can. We have the ability to.	
15 references is the operational changes.		15 Q Have you ever been requested in Polk County to	
16 Q All right.		16 send any of your jail records to the county	
17 A I see I don't have any listed on that		17 commissioners?	
18 particular -- I'm looking for comments that were		18 A No.	
19 made within the document. I don't see what that		19 Q Do you discuss policy changes with any of the	
20 references to, other than a general statement		20 county commissioners?	
21 about some of the things that they were doing up		21 A At Polk County?	
22 there, as far as -- I know that they do quite a		22 Q At Polk County.	
23 bit of searching. They have what they call an		23 A No.	
24 audit calendar. Actually, these have been used as		24 Q Do you at other counties?	
25 an example for a lot of the other jails, this		25 A I have been invited to county board meetings at	
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1	other counties to discuss jail operations. Yes.	1	Q What areas do you enforce?
2	Q What counties are those? Is Eau Claire County one	2	A Well, the administrative code, so the checklist
3	of those?	3	that are on those inspections, those are mandatory
4	Specifically a county board meeting, no.	4	for them to comply with.
5	Construction committee, yes, for Eau Claire	5	Q All right. And that's the 24 pages?
6	County. County board, Law Enforcement Committee,	6	A Yes.
7	Chippewa County, Pierce County. Those are some	7	Q Or so?
8	that I can think of off the top of my head.	8	A Yes.
9	Q Does it vary by county, the involvement?	9	Q And that's attached to each one of your initial
10	A Yes.	10	reports?
11	Q And have you ever sent these reports, your jail	11	A Yes.
12	inspection reports, to the county commissioner in	12	Q I had asked Captain Nargis some questions
13	Polk County?	13	regarding the PREA -- he had an email he sent out
14	A No.	14	that said there were four issues with PREA, four
15	Q So the people that you rely on to report to from	15	statements in summary of what he believed his
16	your jail inspection, are the sheriff and the jail	16	training was, and he indicated that he got that
17	administrator?	17	information from you. Are you aware of that?
18	A Yes.	18	A No.
19	Q You had talked earlier, and I apologize, I jump	19	Q And he indicates on page 44 of his deposition,
20	around a little bit and it drives some people	20	line 17, for those following along, that he
21	nuts. You talked earlier about inmate	21	touched on the basics that were required as
22	manipulation.	22	presented to me by the jail inspector, was my
23	A Yes.	23	plan. And he identified you as the jail
24	Q Now, inmate manipulation has to do with the	24	inspector. Did you know that?
25	communication with inmates that inmates may use to	25	A No.
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	50		52
1	manipulate guards. Correct?	1	Q Did you know that he was relying on you for the
2	A Yes.	2	basics of PREA training?
3	Q Do you ever have any trainings about sort of dark	3	A No. The only thing I can relate that to is if
4	humor regarding inmates or maintaining a level of	4	there was discussion about those four very basic
5	professionalism amongst guards and communicating	5	topics that would have taken place at the jail
6	respectfully about inmates?	6	administrator meeting, if that's what he's
7	A That would be part of that. That would be part of	7	referencing.
8	that training and it would be part of supervising	8	Q He doesn't know where he got that, but he believes
9	inmate training through the jail academy.	9	he got that from you, but not in writing.
10	Q Is that important?	10	A Okay.
11	A Absolutely.	11	Q And he doesn't have any notes that relate to it
12	Q Why?	12	either. So did you provide him anything in
13	A It's a profession. We expect to be professionals,	13	writing?
14	regardless if the inmates are or not, we're	14	A I don't recall if I've ever emailed him anything
15	professional.	15	on PREA, but he's certainly been sent things from
16	Q So you don't have, in your capacity as a detention	16	us.
17	facility specialist, correct? You don't have the	17	Q More than just those four points that you
18	ability to enforce staffing requirements. Is that	18	indicated in our conversation here today?
19	fair to say?	19	A Yes, as far as reference to the PREA resource
20	A Correct.	20	center and to the trainings, where those are
21	Q You merely make suggestions?	21	available at.
22	A Yes.	22	Q You indicated that you had worked at, is it
23	Q Is that the same thing for -- well, you don't do	23	Taycheedah?
24	anything with PREA. Correct?	24	A Yes.
25	A Correct.	25	Q And Taycheedah is a female prison?
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	53		55
1	A Yes.	1	Q Just themselves?
2	Q Have you worked at any other female facilities?	2	A Yes.
3	A No.	3	Q If you had seen any unprofessional behaviors by
4	Q Are female inmates treated differently than male	4	the Polk County Jail during your inspections,
5	inmates?	5	would you have reported it?
6	A Somewhat.	6	A I would have brought it to the attention of the
7	Q Are there different methods to handle the	7	jail administrator.
8	supervision as a correctional officer of female	8	Q And do you recall any offhand that you did
9	inmates as opposed to male inmates?	9	observe?
10	A I think the methods are generally the same. They	10	A No.
11	just have different needs and different -- just a	11	Q And it's expected that a fellow officer would
12	different persona.	12	bring to the attention of their superior
13	Q What do you mean by that?	13	unprofessional conduct within the jail. Is that
14	A For the females in the prison setting, at least	14	correct?
15	there being close other females in a tight-knit	15	A Yes.
16	group or couples, it was very important to them,	16	Q Because it is a profession?
17	so we have a lot of breakups of small groups or	17	A Yes.
18	couples. It was constantly trying to manage those	18	Q And it would be expected to maintain that high
19	relationships with the females. And they have	19	level of professionalism?
20	certainly a different set of health needs, too.	20	A Yes.
21	Obviously different from the males.	21	MR. WEIDNER: I have no further questions.
22	Q Are there different privacy needs we regard to	22	
23	female inmates?	23	EXAMINATION
24	A Yes and no. I would say yes, because it could be	24	
25	more sensitive and no, because it's expected	25	BY MR. CRANLEY:
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	54		56
1	regardless. I mean, if you're a female officer	1	Q My name is Paul Cranley and I represent Polk
2	observing a male inmates there are some privacy	2	County. I have a few questions.
3	expectations as well. A male officer --	3	You brought with you today jail inspection
4	regardless, nowadays the same sex, you certainly	4	reports from 2009 through 2016. Correct?
5	have to have some level of professionalism.	5	A Yes.
6	That's their house. That's their cell. For	6	Q And in each and every one of those reports, is it
7	example, naked in their cell you can certainly	7	true that Polk County was found to be in
8	tell them, get dressed and move on. You don't	8	substantial compliance with the Wisconsin
9	continue to sit there and do stare downs. Like I	9	Administrative Code and Wisconsin Statutory
10	said, it's a yes and no question.	10	Requirements?
11	Q I've never heard it said that that's their house.	11	A Yes.
12	I never understood that. Correctional officers	12	Q You had how many jails in your geographic region?
13	are in charge of everything they do then. Is that	13	A Seventeen.
14	right?	14	Q Would you classify Polk County as one of the
15	A Yes.	15	better run jails in your area?
16	Q They're in control of everything, when they, where	16	A Generally, yes.
17	they are in a facility and when they eat in a	17	Q In your reports, Counsel mentioned a statement you
18	facility. Is that correct?	18	made in one of those reports, it was 2015, that
19	A Yes. What I meant by their house is, they don't	19	the Sheriff's Department Administration and in
20	have a choice but to change their clothes in there	20	particular Captain Scott Nargis are to be
21	and go to the bathroom in there. They don't have	21	commended for efforts to improve and
22	a choice that people are going to walk by their	22	professionalize jail operations. Do you remember
23	cell and look at their cell.	23	that?
24	Q They have no control over their setting?	24	A Yes.
25	A Yes.	25	Q If you put that in a report, that's because you
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	57		59
1	saw something in your jail inspection that merited	1	Q Okay. It requires a jail official to actually
2	that sort of a comment. Correct?	2	view the inmate. Correct?
3	A Yes.	3	A Yes.
4	Q That's not something you put in, in everybody's	4	Q Why are those performed at staggered intervals?
5	report?	5	A So they can't be predicted.
6	A No.	6	Q Because you don't want an inmate to know that the
7	Q So each and every time that shows up in one of	7	jail officer will be coming at a certain time that
8	these reports, it indicates that you saw something	8	they could predict?
9	to support that in your inspection?	9	A Yes.
10	A Yes.	10	Q Would you agree it would be counterproductive to
11	Q Part of your inspection process involves review of	11	that staggering policy to have the jail officer
12	the jails' policies. Correct?	12	announce that he or she is about to enter the area
13	A Yes.	13	to perform that check?
14	Q And in each of these inspections that are	14	A I have to agree with that. I understand that
15	documented in these reports that you provided,	15	contradicts PREA standard.
16	Polk County was found, with respect to its jail	16	Q So that might be a standard that a jail may choose
17	policies, to be in compliance with the Wisconsin	17	not to implement, as an example, because it would
18	Administrative Code and the Statutory	18	be in conflict with the requirements of Wisconsin
19	Requirements. True?	19	Administrative Code?
20	A Yes.	20	A I don't know if it's in conflict with the code,
21	Q If there was any area in which you found a jail	21	but it creates some security problems for the
22	policy to be out of compliance, that would be	22	jail. We have told them that there are other ways
23	noted in your report. Correct?	23	to ensure that they could try to meet that
24	A Yes.	24	standard.
25	Q Are you aware that Polk County has a policy	25	Q Other ways to meet the PREA standard, do you mean?
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	58		60
1	stating that guards of either sex will supervise	1	A Yes.
2	inmates regardless of their gender?	2	Q What other ways?
3	A Yes.	3	A To notify inmates, either in the handbook or
4	Q In other words, male guards will supervise female	4	possibly at the beginning of the shift, that they
5	guards and vice-versa. Correct?	5	will be supervised by both male and female staff
6	A Yes.	6	and conduct themselves accordingly.
7	Q I just want to make sure you understand my	7	Q Do you believe that Polk County provided that sort
8	question.	8	of information to its inmates?
9	A Yes.	9	A I don't know.
10	Q And that policy is in compliance with Wisconsin	10	Q You talked about the basics of PREA that county
11	Administrative Code and Statutory Requirements.	11	jails should train on and there were four of those
12	Right?	12	basics that you identified. Right?
13	A Yes.	13	A Yes.
14	Q DOC 350.18 requires that inspections be performed	14	Q Again, that would be considered a best practice
15	of jail cells at staggered intervals. Are you	15	with regard to PREA for a county jail to instruct
16	familiar with that provision?	16	on those four things?
17	A Yes.	17	A It would be a minimum recommendation. Yes.
18	Q And my question --	18	Q Not a requirement, but a recommendation?
19	A It's not for cells. It's wellness checks, are you	19	A Yes.
20	talking about?	20	Q You were referred to the section of the -- or the
21	Q Let me see if I can find it.	21	page of the Inmate Handbook, which is Exhibit 15,
22	A Wellbeing checks.	22	that you identified as a PREA notice at the
23	Q Okay. Is that when a jail official actually	23	bottom. Correct?
24	enters into the cell?	24	A Yes.
25	A No.	25	Q Indicating that inmates are made aware that they
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	61		63
1	are entitled to be free from sexual abuse, et 2 cetera. Correct?	1	at Polk County Jail, with regard to issues related 2 to PREA, was satisfactory?
3	A Yes.	3	A PREA training is not something that we oversee in 4 350, so was not one of the topics that I was 5 looking at.
4	Q So at Polk County Jail anyway, one of those 5 basics, making inmates aware of PREA and the right 6 to be free from sexual assault, that was met by 7 Polk County. True?	6	Q So you've never looked at that training program or 7 the information he provided you about the training 8 he provides and said, suggested that he should 9 provide additional training regarding PREA?
8	A Yes, minimally.	10	A Not that I recall.
9	Q Wisconsin Administrative Code requires that the 10 county jail have a grievance process. Is that 11 correct?	11	Q The training programs that Polk County provides, 12 you at least determined over the course of your 13 investigations, meets the requirements of 14 Wisconsin law?
12	A Yes.	15	A Yes.
13	Q And Polk County met that requirement as well. 14 Correct?	16	Q And would you -- do you have any problems with the 17 investigative processes that Polk County has in 18 place for complaints or issues raised by inmates?
15	A Yes.	19	A Not that I'm aware of.
16	MR. WEIDNER: I'll object to the opinion 17 testimony on foundation.	20	Q So the information you have, we just kind of went 21 through, would indicate that Polk County had 22 implemented at least those four basics of PREA 23 that you recommended?
18	BY MR. CRANLEY:	24	A Off the top of my head I don't know if they have 25 done staff training. I haven't confirmed that.
19	Q If Polk County did not meet the requirement of 20 having a grievance process, as required by 21 Wisconsin Administrative Code, that's something 22 that you would have identified in your reports. 23 True?		JEAN DILLON COURT REPORTING, INC., (763) 519-0222
24	A Yes.		64
25	Q And that grievance process is on the same page as JEAN DILLON COURT REPORTING, INC., (763) 519-0222	1	Q On PREA in particular?
1	the PREA requirement that we talked about a moment 2 ago, Exhibit 15. Do you see that?	2	A Yeah.
3	A Yes.	3	Q But if they have, then you would agree that meets 4 that requirement minimally?
4	Q And this is a process that they use that complies 5 with Wisconsin Administrative Code. Correct?	5	A Yes.
6	A Yes.	6	MR. WEIDNER: Same objection. Opinion of evidence.
7	Q And this would provide a reporting mechanism for 8 individuals who may have experienced improper 9 sexual advances or assault or whatever from a jail 10 official. Correct?	8	BY MR. CRANLEY:
11	A Can you repeat that?	9	Q You said the Department of Corrections provides 10 training sessions and training materials on PREA. 11 Does the Department of Corrections provide 12 training and training materials on other areas 13 relevant to the corrections facilities?
12	Q This provides a reporting mechanism for inmates if 13 they're involved in some sort of sexual abuse 14 situation?	14	A We have, yes.
15	A Yes.	15	Q Are there other PowerPoints regarding other topics 16 in addition to PREA that jails would have access 17 to through the Department of Corrections?
16	Q Are you aware of Captain Nargis's training program 17 or -- strike that.	18	A Yes.
18	Are you aware of the types of training that 19 were provided to Polk County Jail officials and 20 employees? Is that something you would look at as 21 part of your investigations?	19	Q Are there other materials, pamphlets, brochures, 20 whatever kind of materials you have that are 21 available on issues, aside from PREA, like suicide 22 prevention or inmate manipulation or any other 23 topics?
22	A He does provide me annually a list of training topics. I can't recite those off the top of my head without looking at what he provided.	24	A Yes, there have been.
25	Q Have you been satisfied that the training provided	25	Q So there's a variety of training materials
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<p>1 available and PREA is one of those areas. 2 Correct? 3 A Yes. 4 Q Does the Department of Corrections provide posters 5 on anything besides PREA? 6 A Not that I recall. 7 Q At Taycheedah did male guards supervise female 8 inmates? 9 A Yes. 10 Q Were male guards able to observe or see if they 11 chose to, female inmates while they changed 12 clothes? 13 A Yes. 14 Q You mentioned a guard might see -- a male guard 15 may see a female inmate naked, because she's 16 changing her clothes or whatever and advised to 17 put your clothes on, as a sense of 18 professionalism? 19 A Yes. 20 Q There's nothing about that situation, a guard 21 being able to see the inmate changing clothes that 22 is in violation of any Wisconsin Administrative 23 Standards or Statutory Requirements, is there? 24 A No, not that I'm aware of. 25 Q At Taycheedah could a male officer see a female inmate while she's using the toilet? JEAN DILLON COURT REPORTING, INC., (763) 519-0222</p>	<p>65</p> <p>1 Thank you. 2 Does anybody on the phone have a question? 3 MS. LUBINSKY: This is Lori. I have no 4 questions. 5 MR. DE VRIES: Can you hear me? 6 MR. CRANLEY: Yes. 7 MR. DE VRIES: I have no questions either. 8 MR. WEIDNER: I have several. 9 10 EXAMINATION 11 12 13 BY MR. WEIDNER: 14 Q You are not a PREA expert. Correct? 15 A Correct. 16 Q Do you know how many -- what are the minimum ways 17 for reporting for an inmate on a grievance that is 18 suggested in PREA? 19 A I do not. 20 Q They suggest two ways to report a grievance, does 21 that make sense? 22 MR. CRANLEY: I object to the form. 23 Foundation. 24 THE WITNESS: You're talking about a sexual 25 complaint? JEAN DILLON COURT REPORTING, INC., (763) 519-0222</p>
<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>inmate while she's using the toilet? A Yes. Q How about the shower? A Possible. Yes. Q Female inmates, at least at Taycheedah, didn't have an expectation of privacy from male correction officers with respect to changing clothes or using the toilet. Correct? A Very limited. Q And that's true of a county jail as well? A Yes. Q Nothing about that violates Wisconsin Statutory or Administrative Law? A No. Q The notice that we talked about regarding the PREA language that's in the Inmate Handbook, there's nothing that requires Polk County to put that into their handbook, is there? I'm sorry. Nothing in Wisconsin Administrative Code or Statutory Requirement that requires them to put that PREA language in there? A No. Q So they do that voluntarily? A Yes. MR. CRANLEY: Those are all my questions. JEAN DILLON COURT REPORTING, INC., (763) 519-0222</p>	<p>66</p> <p>1 BY MR. WEIDNER: Q Yes. A Yes. Q So even though that might have -- I think you said that met some requirement or a basic minimum of whatever language of the grievance policy there was with regard to PREA, you're not a PREA expert. Correct? A Correct. What I said was met the Wisconsin Code. Q All right. But you're not making any opinions here on whether or not the training was adequate for PREA. Correct? A Correct. Q The reporting process is adequate for PREA. Correct? A Correct. Q The language in that handbook is adequate for PREA. Correct? A Correct. Q Are all inmates literate? A No. Q A lot of inmates can't even read what's in that handbook. Correct? A Correct. Q Do you know if there's any process at in-take at in-take at JEAN DILLON COURT REPORTING, INC., (763) 519-0222</p>

1 the Polk County Jail that goes over an inmate's
 2 rights orally if they can't read?
 3 **A I don't recall if they have anything specific**
 4 **there or not.**
 5 **Q** Is that required by Wisconsin State Standards?
 6 **A No.**
 7 **Q** With regard to the professionalism, as noted, what
 8 Captain Nargis is doing, you know that Captain
 9 Nargis -- that has to reference some programs he's
 10 putting in place. Correct?
 11 **A Yes.**
 12 **Q** Your accommodations of sorts?
 13 **A Yes.**
 14 **Q** And when you commended him for what he's doing
 15 with that department, that doesn't include his own
 16 personal behaviors. Correct?
 17 **A It would include some of his management.**
 18 **Q** His management skills or his management programs?
 19 **A Yes.**
 20 **Q** Do you know that he's testified at some point that
 21 he's participated in, and I'm looking at Captain
 22 Nargis's deposition taken this year, page 87, that
 23 he wouldn't tolerate conversations such as an
 24 inmate has a nice butt or an inmate has a nice
 25 body, he wouldn't be part of that. But he does

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1 STATE OF MINNESOTA)
 2 COUNTY OF HENNEPIN)

3 Be it known that I took the foregoing deposition
 4 of Brad Hompe;

5 That I was then and there a notary public in
 6 and for the County of Hennepin, State of Minnesota;
 7 That by virtue thereof, I was duly authorized
 to administer an oath;

8 That the witness was by me first duly sworn
 9 to testify the truth, the whole truth and nothing but the
 truth concerning the matter in controversy aforesaid;

10 That the foregoing transcript is a true and
 11 correct transcript of my stenographic notes in said
 matter;

12 That the reading and signing of the
 deposition by the witness was waived;

13 That I am not related to or an employee of
 14 any of the parties hereto, nor a relative nor
 employee of any attorney or counsel employed by the
 15 parties hereto, nor interested in the outcome of the
 action;

16 That the cost of the original has been
 17 charged to the party who noticed the deposition, and
 18 that all the parties who ordered copies have been
 charged the same rate for said copies;

19 WITNESS MY HAND AND SEAL this 15th day of
 20 July, 2016.

21
 22 Jean F. Dillon
 Notary Public, Hennepin County, Minnesota
 My Commission expires January 31, 2020
 23
 24
 25 JEAN DILLON COURT REPORTING, INC., (763) 519-0222

1 participate in and allow them to discuss amongst
 2 each other, meaning the correctional officers,
 3 that here's a mug shot of an inmate who has two
 4 black eyes, damn that's messed up or that person
 5 fell off the tree or that person fell out of the
 6 ugly tree and hit every branch on the way down in
 7 that condition. I do participate and allow staff
 8 to make comments about each other. They
 9 participate in that, that's not very professional,
 10 is it?

11 MR. CRANLEY: I object to the form.

12 THE WITNESS: Not in my opinion.

13 BY MR. WEIDNER:

14 **Q** So when you make a comment about what Captain
 15 Nargis does in the organizational aspect in your
 16 reports, I think it was the 2015, you're not
 17 talking about his individual behavior on his job.
 18 Correct?

19 **A What I was referring to was some of the things**
 20 **that he's done to keep that jail in compliance.**

21 MR. WEIDNER: Thank you. I have no further
 22 questions.

23 MR. CRANLEY: Nothing further for me.

24 (The deposition was concluded at 2:35 p.m.)

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